IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2006

CORAM:

THE HONOURABLE MR.JUSTICE R.REGUPATHI

Crl.O.P.Nos. 15893 and 15894 of 2006

M.Palani ... Petitioner in both the Crl.O.Ps.

Vs

K.Jaishankar ... Respondent in both the Crl.O.Ps.

Prayer: Petitions filed under Section 482 Cr.P.C to call for the records in C.C.Nos.4078 and 4079 of 2005 pending on the file of the IX Metropolitan Magistrate at Saidapet, Chennai and quash the same.

For Petitioner : Mr.K.J.Nithianandam

For Respondent : M. Aravind Kumar

C O M M O N O R D E R

The petitioner is accused in C.C.Nos. 4078 and 4079 of 2005 pending on the file of the IX Metropolitan Magistrate at Saidapet, Chennai, for the offence punishable under Section 138 of the Negotiable Instruments Act.

2. The learned counsel for the petitioner submits that neither in the notice nor in the complaint, the transaction, in which, the liability arose has been mentioned. The first notice has been given on 24.03.2005 and it has been wrongly mentioned as 24.3.2004. The second notice has been given on 19.4.2005 and under such circumstances, the cases filed before the learned Magistrate are erroneous and sought to quash the proceedings.

3. Per contra, the learned counsel appearing for the respondent/complainant submits that the second notice has been given only for the purpose of correcting the error, viz., instead of 24.3.2004 to correct the same as 24.3.2005.

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4. I have perused the materials available on record and I do not find any merit to quash the proceedings. Therefore, the petitions are dismissed. Consequently, connected Crl.M.Ps. are closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

bs/

To

IX Metropolitan Magistrate at Saidapet, Chennai

+1 C.C. each to Mr.M.Aravind Kumar, Advocate S.R.Nos.58037 & 58038

+1 C.C. to Mr.K.J.Nithiyanandan, Advocate S.R.No.58109

Crl.O.P.Nos.15893 and 15894 of 2006

SSV(CO)

NR(12.12.2006)

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